

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH PAUL BRUCK,	)	
	)	
Petitioner,	)	Case No. 1:05-cv-376
	)	
v.	)	Honorable Wendell A. Miles
	)	
PEOPLE OF THE STATE	)	
OF MICHIGAN,	)	
	)	
Respondent.	)	
_____	)	

**JUDGMENT**

This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. On July 13, 2005, the Court issued an order to show cause why Petitioner's action should not be dismissed pursuant to the fugitive disentitlement doctrine because he absconded from his probation. Alternatively, Petitioner was ordered to show cause why his action should not be dismissed because he is no longer in custody pursuant to the conviction under attack. Petitioner filed a timely response to the Court's order (docket #3).

Petitioner's two-page response provides some additional facts concerning his criminal prosecution and conviction, but does not directly address the issues raised in the order to show cause. Petitioner does not dispute that he was on absconder status at the time he filed his habeas petition and remains a fugitive. Furthermore, Petitioner's response suggests that his probationary term expired on December 26, 2004. If that is the case, Petitioner is no longer "in custody" pursuant to his conviction. Therefore, for the reasons set forth in the order to show cause, Petitioner's habeas action will be dismissed. Accordingly:

**IT IS ORDERED** that Petitioner's application for habeas corpus relief is  
DISMISSED with prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Date: September 30, 2005

/s/ Robert Holmes Bell  
Robert Holmes Bell  
Chief United States District Judge  
for  
Wendell A. Miles  
Senior United States District Judge